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11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 SUMMIT REAL ESTATE GROUP, INC.

14 Plaintiff,

15 vs.

16 FEDERAL HOME LOAN MORTGAGE
17 CORPORATION; FHLMC BANK, MITCHELL
18 LABORWIT,

19 Defendants.

Case No. 2:15-cv-00760-KJD-GWF

20 **STIPULATION TO CONTINUE STAY**

21 On December 14, 2016, the Ninth Circuit issued its mandate in *Bourne Valley Court Trust v.*
22 *Wells Fargo Bank, N.A.*, a decision which may have a significant effect on this case. *See Bourne Valley*
23 *Court Trust v. Wells Fargo Bank, NA*, 832 F.3d 1154 (9th Cir. 2016). On January 30, 2017, Justice
24 Anthony Kennedy extended the time for Bourne Valley Court Trust to file a petition for a writ of
25 certiorari to March 6, 2017. The parties also note that the Nevada Supreme Court has stayed the
26 issuance of remittitur in *Saticoy Bay LLC Series 350 Durango 104 v. Wells Fargo Home Mortg., a Div.*
27 *of Wells Fargo Bank, N.A.*, 133 Nev. Adv. Op. 5 (2017), pending the prospective filing of Wells Fargo
28 Home Mortgage's petition for a writ of certiorari with the United States Supreme Court. Based upon the
foregoing, the parties anticipate that the United States Supreme Court may grant certiorari and hear the
cases jointly.

A district court has the inherent power to stay cases to control its docket and promote the efficient use of judicial resources. *Landis v. N. Am. Co.*, 299 U.S. 248, 254–55 (1936); *Dependable Highway Exp., Inc. v. Navigators Ins. Co.*, 498 F.3d 1059, 1066 (9th Cir. 2007). When determining whether to stay a case pending the resolution of another case, a district court must consider (1) the possible damage that may result from a stay, (2) any “hardship or inequity” that a party may suffer if required to go forward, (3) “and the orderly course of justice measured in terms of the simplifying or complicating of issues, proof, and questions of law” that a stay will engender. *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1110 (9th Cir. 2005).

In this case, the parties submit that no damage will result from a continuance of the stay of this case for a further 30 days, pending the filing of a petition for writ of certiorari with the United States Supreme Court. However, should such petition not be filed, the parties will promptly stipulate to end the stay in this case and proceed with filing any dispositive motions within 30 days of the Court’s order terminating the stay of this case. Moreover, if the Court is not inclined to continue the stay of this case, the parties will promptly file a stipulation ending such stay upon denial of the instant stipulation.

Dated: February 24, 2017

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/s/ Nathan F. Smith

/s/ Zachary T. Ball

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Attorney for Plaintiffs

IT IS SO ORDERED.

DATED this 27th day of February, 2017


UNITED STATES DISTRICT COURT JUDGE